

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FAIRHAVEN HEALTH, LLC,
Plaintiff,
v.
BIO-ORIGYN, LLC, JOANNA
ELLINGTON, AKA JOANNA
CLIFTON, AND DENNIS CLIFTON,
Defendant.

Case No. 2:19-cv-01860-RAJ

ORDER

I. INTRODUCTION

This matter is before the Court on the parties Expedited Joint Motion for Discovery Pursuant to LCR 37(a)(2) (Dkt. # 106) and Defendants' Amended Motion to Seal Redacted Answer, Affirmative Defenses and Counterclaims (Dkt. # 120). Having considered the submissions of the parties, the relevant portions of the record, and the applicable law, the Court sets forth its ruling on each motion as follows.

II. BACKGROUND AND DISCUSSION

a. LCR 37 Protective Order Dispute (Dkt. # 106)

Previously, this Court entered an order resolving a dispute concerning the

1 parties' proposed protective order and ordered Plaintiffs to submit a proposed protective
 2 order for signature within 10 days of entry of the order. Dkt. #119. Defendants instead
 3 submitted a letter seeking a delay in entry of the protective order so that Defendants
 4 could conduct discovery. Dkt. # 124. Plaintiff then submitted a letter in opposition to
 5 Defendants' filing. Dkt. # 125. The Court reminds the parties that requests to the Court
 6 must be made via motion, and the parties' submissions do not conform with the
 7 district's local rules concerning motions. *See* LCR 7. Accordingly, the Court **STRIKES**
 8 docket entries # 124 and # 125. Further, the Court shall issue the protective order
 9 concurrently with this Order.

10 **b. Amended Motion to Seal Redacted Answer, Affirmative Defenses,**
 11 **and Counterclaims (Dkt. # 120)**

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 13 In its August 24, 2022 Order, the Court struck Defendants' previous Motion to
 14 Seal Redacted Answer, Affirmative Defenses, and Counterclaims (Dkt. # 73) with leave
 15 to re-file. *See* Dkt. # 119 at 2-3. The Court required that Defendants review the
 16 proposed redactions to ensure that such proposed redactions are as narrowly tailored as
 17 possible in order to balance Defendants' interest in maintaining the confidentiality of
 18 business-related and proprietary information with the right of public access. *Id.* at 3.
 19 Defendants now submit an amended motion which reflects that they have pared their
 20 sealing requests and presented a less restrictive alternative in the form of a single
 21 redaction. The Court has reviewed Defendants' proposed redaction and finds that it has
 22 cured the deficiencies of the prior sealing motion. The Court finds compelling reasons
 23 to **GRANT** the motion to seal in order to protect the confidentiality of the parties'
 24 sensitive and proprietary business information. *Kamakana v. City of Honolulu*, 447 F.3d
 25 1172, 1178 (9th Cir. 2006). Dkt. #120.

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1 **III. CONCLUSION**

2 Based on the foregoing reasons, the Court **GRANTS** Defendants' Motion to
3 Seal. Dkt. # 120. Defendants' Answer, Affirmative Defenses, and Counterclaims shall
4 remain on the docket in redacted form. Dkt. # 121. The Court **STRIKES** Dkt. ## 124
5 and 125 and issues a protective order concurrently with this Order.

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7 DATED this 23rd day of January, 2023.

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10 The Honorable Richard A. Jones
11 United States District Judge
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